

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (BA) NO.952 OF 2016

(Rahul @ Rajkumar Ramasre Yadav and another ..vs.. State of Maharashtra, through PSO, Ramnagar,
District Chandrapur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.R. Wagh, Advocate for applicants,
Shri N.B. Jawade, Addl.P.P. for non-applicant.

CORAM : P.N. DESHMUKH, J.

DATED : 08-12-2016

Heard Shri A.R. Wagh, Advocate for applicants
and Shri N.B. Jawade Addl.P.P. for non-applicant.

This application is filed for bail by accused in
Crime No.1091/2016 registered by Ramnagar Police
Station, District Chandrapur for offences punishable
under Sections 65(e) and 83 of Maharashtra Prohibition
Act read with 188 of Indian Penal Code.

According to learned Counsel for applicants, they
are falsely involved and since charge-sheet is filed, there
is no purpose keeping applicants behind bar as trial
would take sufficient time to be concluded.

Prosecution has opposed application and filed its
reply. Learned Additional Public Prosecutor has
contended that apart from present crime applicants are
involved in other crimes and as such there is possibility

of their indulging into similar crime if released on bail. Application is, therefore, prayed to be rejected. It appears to be case of prosecution that based on information received by police, applicants came to be apprehended from the spot where applicant Rahul was found present and ten boxes containing 100 bottles each of 90 ml. country liquor in each of the bottle came to be seized.

Admittedly, the case of prosecution is based on statements of members of raiding team who are all Government officials. Similarly, the charge-sheet is filed. In that view of the matter, *prima facie* it is noted that nothing remains to be further investigated, for which custodial interrogation is required.

With regard to case of prosecution of offences registered against the applicants earlier, it is contended on behalf of applicants that Crime No.3019/2011 registered against applicant No.1 and Crime No.3029/2011 registered against applicant No.2 are both disposed of and ended in acquittal. With reference to Crime No.3005/2010, it is denied that any such crime is registered against applicant No.2.

Having considered facts as aforesaid, application is allowed as per order below.

- (i) Applicants shall be released on bail on their executing P.R. Bond in the sum of RS.20,000/- each with one surety each in the like amount.
- (ii) While on bail, applicants shall mark their presence with Ramnagar Police Station, Chandrapur quarterly on first day of each such month.
- (iii) Applicants shall not indulge in crime pending trial and shall produce proof of residence and update the same in the event of change of residence in future.

Applicant is accordingly allowed.

JUDGE